

FARAD CONTINUATION SHEET No.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.**

WRIT PETITION NO. 6102 OF 2005.

M/s Expotec International Ltd.

..Petitioner.

vs.

The Union of India & ors.

..Respondents.

Office Notes,Office :
Memoranda of Coram, : Court's or Judge's orders
appearnaces,Courts's :
orders or directions :
and Registrar's orders. :

Shri Prakash Shah i/b M/s PDS Legal for
the petitioner.

Shri A. M. Sethna for the respondents.

CORAM: V.C.DAGA AND J.P.DEVADHAR,JJ.
DATED: 27.9.2005.

P.C.:

. Heard.

. During the course of hearing,
learned Counsel appearing for the Revenue
submits that no goods are detained by
them under detention order dated
3.8.2005. He further submits that the
appeal filed by the revenue is pending
for consideration of the appellate Court.

. In this view of the matter, so
long as appeal is not decided, there
cannot be any liability against the
petitioner. Consequently, in the absence

of any liability, there cannot be any occasion for detention of goods. Since learned Counsel appearing for the Revenue has submitted that the detention order has not been acted upon and no goods have been detained, statement made is taken on record. In view of this statement, learned Counsel for the petitioner seeks permission to withdraw this petition.

. It would be open for the petitioner to urge before the appellate Authority not to give effect to the order for a reasonable time. In the event the appellate Authority accepts the submission of the petitioner, it would be open for the appellate Authority to pass appropriate order. In view of this scenario, petition is allowed to be withdrawn with no order as to costs.

. All rival contentions are kept open.

(J.P. DEVADHAR,J.) (V.C.DAGA,J.)